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In the United States Patent and Trademark Office

In re application of: Thomas Tsoi Hei Ma	
For: ISOTHERMAL RECIPROCATING MACHINES	
Serial No. ~confirm: 10/540,055 ~ 1327	Group:
Filed on: Jun 22, 2005	Examiner: Hoang M Nguyen
Correspondence Date January 16, 2008	Docket: 0510US-TOMMA

Response to restriction requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir,

This amendment is in response to the office action mailed to applicant on Dec 18, 2007.

- 1) Applicant filed a preliminary amendment on June 22, 2005, together with the initial entry of the application into US national stage. This amendment was apparently not considered by the Office. Applicant respectfully requests that the amendment be considered or that an explanation be provided as to why it would not be entered, so as to allow applicant to take corrective action.
- 2) The present application claims priority under 35 U.S.C. §119, to PCT application No. PCT/GB2003/005713, which in turn claims priority to a several United Kingdom applications, as specified in the PCT pamphlet. Applicant duly perfected this priority claim in the inventor's declaration. The Office did not acknowledge this priority claim in the Office Action. Applicant respectfully requests that the Office will recognize the priority claim to the above identified application, or state the reason why such right of priority is not granted.
- 3) The Office alleged that the invention contains claims directed to several independent species and thus demanded that applicant will elect one species to be

further examined on the merits. Applicant respectfully submits that the election requirement is improper. The present application entered US national under 35 U.S.C. 371. Applicant respectfully points to MPEP 1893.03(d) which clearly mandates that the Office should apply the unity of invention standard to the present application, rather than to US restriction practice. Applicant respectfully further submits that the species type restriction is unique to US practice, and is improper under the unity of invention standard.

- 4) In a telephone conversation regarding those matters, conducted on January 9, 2008 between the undersigned and Examiner Hoang M Nguyen of the USPTO, it was agreed that applicant will file a response detailing all the above points, and refrain from the provisional election in light thereof. The Examiner agreed to withdraw the restriction. This response follows the agreement achieved in this telephone conversation.
- 5) Should the Examiner find any deficiency in this response or in the application, or should the Examiner believe for any reason, that a conversation with applicant's agent may further the allowance and issuance of this application, the Examiner is kindly requested to contact Shalom Wertsberger at telephone (207) 799-9733.
- 6) Applicant looks forward for the results of the examination on the merits.

Respectfully submitted

/Shalom Wertsberger/

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